

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HCG SOFTWARE, LLC,

Plaintiff,

CV-09-994-PK

v.

FILED  
NOV 04 2009  
ORDER OF  
REMAND

PUBLIC-SECTOR SOLUTIONS, INC.,

Defendant.

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PAPAK, Magistrate Judge:

Plaintiff HCG Software, LLC ("HCG"), filed this breach of contract action against defendant Public-Sector Solutions, Inc. ("PSS"), in the Multnomah County Circuit Court on July 23, 2009. On August 24, 2009, PSS removed the action to this court on grounds of diversity. Currently pending before the court is PSS' motion (#10) to dismiss for lack of personal jurisdiction, or, in the alternative, to transfer venue to either the Eastern District of Virginia or the District of Maryland.

Prior to oral argument on PSS' motion, counsel for HCG represented to the court and to PSS that one of HCG's members is a resident of Maryland, the state under the laws of which PSS is incorporated. It is well established in the Ninth Circuit that "an LLC is a citizen of every state of which its owners/members are citizens." *Johnson v. Columbia Props. Anchorage, LP*, 437

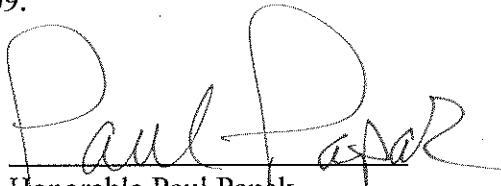
F.3d 894, 899 (9th Cir. 2006). HCG and PSS are therefore both citizens of Maryland, effectively precluding the exercise of diversity jurisdiction over this action. At oral argument, both parties stipulated to remand back to state court for lack of federal subject-matter jurisdiction.

On the basis of the parties' stipulation, this action is remanded to the Multnomah County Circuit Court for the State of Oregon.

### CONCLUSION

For the reasons set forth above, this action is remanded to the Multnomah County Circuit Court for the State of Oregon. PSS' motion (#10) to dismiss for lack of personal jurisdiction is denied as moot. The Clerk of Court shall immediately send a certified copy of this remand order to the Multnomah County Circuit Court. This order is not subject to appeal. *See* 28 U.S.C. § 1447(d).

Dated this 4th day of November, 2009.



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Honorable Paul Papak  
United States Magistrate Judge